UNITED
NATIONS

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Economic and Social
Council

Distr.
GENERAL

E/CN.4/1998/32
5 January 1998

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Fifty-fourth session
Item 8 of the provisional agenda

QUESTION OF THE HUMAN RIGHTS OF ALL PERSONS SUBJECTED TO ANY FORM OF DETENTION OR IMPRISONMENT

Human rights and forensic science

Report of the Secretary-General

CONTENTS

	Paragraphs	Page
Introduction	1 - 6	3
I. CONSULTATIONS CONDUCTED BY THE SECRETARY-GENERAL	7 - 24	5
A. Comments received from Governments	4 - 18	5
B. Comments received from the International Criminal Tribunal for the Former Yugoslavia (ICTY)	19	7
C. Information received from the Victoria Institute of Forensic Medicine (Australia)	20	8
D. Fact-finding situations as reported by mechanisms of the Commission on Human Rights and other relevant United Nations bodies in connection with medico-legal investigations related to alleged human rights violations	21 - 25	8

CONTENTS (continued)

		Paragraphs	Page
II.	ESTABLISHMENT OF A LIST OF FORENSIC EXPERTS AND EXPERTS IN RELATED FIELDS	26	9
III.	COOPERATION SERVICE AGREEMENT	27 - 32	10
IV.	FUTURE ACTIVITIES	33 - 35	10

Annexes

I.	Recommended experts and institutions	12
II.	Cooperation service agreement	14
III.	Special Service Agreement	18

Introduction

1. At its forty-eighth session, the Commission on Human Rights adopted resolution 1992/24 in response to the perceived need to create, under United Nations auspices, a standing team of forensic experts and experts in other related disciplines to assist in the identification of probable victims of human rights violations or in the training of local teams for the same purpose. In compliance with resolution 1992/24, the Secretary-General submitted a report (E/CN.4/1993/20) to the Commission on Human Rights at its forty-ninth session in which he noted the increasing references by experts of the Commission on Human Rights to the need for forensic expertise in the determination of alleged violations brought to their attention and the prevailing difficulties in obtaining such assistance.

2. At its forty-ninth session, the Commission on Human Rights adopted resolution 1993/33 in which the Commission, welcoming the report of the Secretary-General, requested him "to consult with Governments, relevant United Nations bodies, professional organizations of forensic experts, the organizations mentioned in his report and other interested institutions with a view to identifying individual experts who might be asked to join forensic teams or to provide advice or assistance to thematic or country mechanisms, advisory services and technical assistance programmes". The Commission also requested the Secretary-General to establish "a list of forensic experts and experts in related fields who could be requested to help international mechanisms in the field of human rights, Governments and the Centre for Human Rights in providing technical and advisory services, advice in regard to the monitoring of human rights violations and training of local teams and/or assistance in the reunification of families of the disappeared". The Secretary-General was further requested to make the aforementioned list available to the special rapporteurs and experts of United Nations human rights mechanisms so that they might draw upon the list in carrying out their mandates. Finally, the Secretary-General was requested to report to the Commission at its fiftieth session on progress made in this area and to make such recommendations as he considered appropriate.

3. In compliance with resolution 1993/33, the Secretary-General submitted a report (E/CN.4/1994/24) to the Commission on Human Rights at its fiftieth session in which he presented a list of forensic experts and institutions recommended by Governments and non-governmental organizations. He also underlined the need to articulate a standard arrangement such as a cooperative service agreement regulating the status of experts, their methods of work, and other relevant matters including issues of finance and confidentiality. To this end, he noted that the agreement between the United Nations and Physicians for Human Rights (E/CN.4/1993/20, annex) might serve as a useful basis for future arrangements in the field. Further, he emphasized the need to elaborate a comprehensive set of principles and guidelines to be observed in investigations conducted under United Nations auspices. He concluded the report by noting that in order to respond to the need for appropriate financing of consultations and eventual specific investigations conducted under United Nations auspices, as well as the voiced desire to obtain training of forensic experts for investigations conducted under the auspices of governmental bodies, the establishment of a voluntary fund might be considered.

4. In compliance with resolution 1994/31, the Secretary-General submitted a report (E/CN.4/1996/41) to the Commission on Human Rights at its fifty-first session in which he presented the list of organizations and individual experts in forensic science put forth by Governments and non-governmental organizations. A cooperation service agreement and a standard Special Service Agreement had been prepared, as requested, and included in the report.

5. At its fifty-second session, the Commission on Human Rights adopted resolution 1996/31 in which the Commission, welcoming the report of the Secretary-General and the provisional list of organizations and individual experts in forensic science compiled by the Secretary-General in his reports, requested him again to consult with Governments, relevant United Nations bodies, professional organizations of forensic experts, the organizations mentioned in his reports of 1993, and 1994 and 1996, as well as and other interested institutions with a view to:

(a) Identifying individual experts who might be asked to join forensic teams or to provide advice or assistance to thematic or country mechanisms, advisory services and technical assistance programmes;

(b) Submitting biographical data on the experts, including professional qualifications, current employment, contact address, gender (the nomination of female experts is encouraged) and the kinds of assistance they could provide; and

(c) Seeking their further advice as to the elaboration of principles, guidance, procedures, mechanisms, practical experience and training, in addition to the Manual on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions.

6. The Commission also requested the Secretary-General to continue efforts to establish, on the basis of these consultations and on the basis of continuing efforts on the part of the Working Group on Enforced or Involuntary Disappearances, to render active assistance, a list of forensic experts and experts in related fields who could be requested to help international mechanisms in the field of human rights, Governments and the Centre for Human Rights in providing technical and advisory services, advice in regard to the monitoring of human rights violations and training of local teams and/or assistance in the reunification of families of persons who have disappeared. It further requested him to update this list and to make annually available to the working groups, special rapporteurs and experts of the United Nations human rights mechanisms so that they might request these forensic experts to assist them in evaluating documents and other evidence and to accompany them on country visits. The Commission also requested the Secretary-General to report to the Commission at its fifty-fourth session on progress made in this matter, including:

(a) The availability of a comprehensive and up-to-date list of experts containing biographical data and indications of availability;

(b) A revised standard arrangement or cooperation service agreement regulating the use of forensic experts, including provisions for the protection of forensic experts who so serve; as well as to make such recommendations as he may consider appropriate.

I. CONSULTATIONS CONDUCTED BY THE SECRETARY-GENERAL

A. Comments received from Governments

7. In addition to the responses of interested Governments in recommending experts to be included in the list of forensic experts and experts in related fields established by the Secretary-General, the Governments of the Republic of Croatia, the Federal Republic of Germany and the United Kingdom of Great Britain and Northern Ireland contributed the following remarks relating to training and employment of experts in the field of forensic science.

8. The Government of Croatia pointed out that all the experts mentioned on the list attached to its reply possess outstanding knowledge and experience in the field of forensic science, while all of them participated in the identification process of the mortal remains exhumed from the mass and individual graves found on the territory of the Republic of Croatia, under the auspices of the Croatian Government Commission on Missing and Detained Persons. Moreover, in the framework of the identification process of the mortal remains from the mass graves, the experts maintained close cooperation with the on-site investigators of the International Criminal Tribunal for the Former Yugoslavia since 1991 in respect of the exhumations from the Ovcara mass grave.

9. The Federal Republic of Germany submitted a statement that reads as follows:

> "Forensic medicine is an official post-graduate specialization in Germany. The duration is five years. During this post-graduate specialization the forensic expert has to rotate through a department of clinical pathology (1 year), a department of clinical psychiatry (1/2 year) and a department of legal medicine (3 1/2 years). At the end of this course there is an oral examination by a committee at the medical board.
>
> "During this specialization, the medico-legal expert has to investigate, among other considerable numbers of various case groups:
>
> Performance of autopsies according to the law. These are full autopsies including the skeletal system and the soft tissues. Performance of several thousand histopathologies;
>
> Investigation of injured people;
>
> Investigation of the scenes of crime;
>
> Identification of unknown persons and bodies and skeletal remains;
>
> Ascertainment of causes of death.

"Such investigations are performed at an extremely high level. The institutes of legal medicine in Germany are also equipped to perform investigations relative to relationships (childhood, fatherhood, motherhood, etc.). They are also equipped to perform toxicology investigations.

"There is the necessary level of expertise to investigate stains and traces in sexual offences and in all other violent crimes. In other words: medico-legal experts in Germany have a broad spectrum of knowledge and facilities to investigate all violent crime in deceased and in living persons. This would of course include remnants of the deceased such as bones and skeletal remains.

"While in some countries the elucidation of the cause of death is separated from the identification, related investigations in Germany are performed by one expert team.

"Germany has by tradition a high number of exhumations in the country. In some countries such investigations are nearly never or never performed. Ascertainment of the cause of death and identification are in Germany performed by one expert (team). If necessary, odontologists belong to this team.

"The German experts in legal medicine are very familiar with the principles, the guidelines and the procedures of such investigations. It is accepted in the international community that their level in such investigations is outstanding."

10. The United Kingdom of Great Britain and Northern Ireland submitted a two-page reply in which it described activity of the Forensic Science Service (FSS). This is a corporate organization operating nationally. It assists the police and other law enforcement agencies in the investigation of crime and provides impartial evidence to the courts. Its services are also available to private companies and individuals, and to overseas customers.

11. It provides non-medical forensic science services, consultancy and training in a wide range of activities, including: scene of crime investigation; fire investigation; accident investigation; fingerprint enhancement; explosives analysis; drugs analysis; toxicology; handwriting and document examination; firearms and ballistics; serology, DNA profiling and paternity testing; general contact trace examinations (glass, paint, fibres, toolmarks, footwear impression, etc).

12. The FSS employs some 1,000 professional forensic scientists working out of its six operational laboratories at Birmingham, Chepstow, Chorley, Huntingdon, London and Wetherby, and has research facilities at Birmingham and London.

13. A part of the agency's core work is evaluating documents or other evidence. It can examine handwriting for authorship; identify the processes used to produce documents; establish whether documents are originals/genuine; link documents; connect documents with the machines used to prepare them;

detect alterations to documents and the original entries; analyse paper and inks; visualize and enhance fingerprints on documents; restore deleted computer files; enhance analog and digital images; etc.

14. The FSS is involved in searching for and identifying children of persons who have disappeared or who themselves have been subjected to enforced disappearance. There seems to be potential here for the use of DNA analysis and paternity testing to help identify children with their parents or geographical origin. A booklet containing information on the development of forensic DNA analysis undertaken by the FSS was enclosed and could be used by pertinent experts.

15. Examination of marks on bodies and establishing their likely cause is part of many murder investigations with which the FSS assists. The FSS toxicology resource specializes in the detection of drugs and poisons in body fluids and organs. It is often used to help determine the cause of death for both police and coroners alike, and ultimately to present findings in various court proceedings. Techniques have been developed to identify bodies and skeletal remains using DNA analysis. Confirmation of bodies found in a grave in Russia as those of the Tsar and his family and identification of the bodies in the Waco mass suicide are examples of what can be done using leading-edge scientific techniques.

16. The FSS is available in the United Kingdom or can visit any location to provide training in evidence recovery/evidence handling, any of the forensic science techniques used in the FSS and the setting up of local facilities. Expert advice and consultancy can also be provided in all areas of the forensic process.

17. Most FSS experts hold professional qualifications and all have been trained by the FSS in the discipline of their expertise. Their competency is routinely checked. The Service runs a comprehensive quality assurance programme as well as inter-laboratory proficiency testing trials. The experts have to meet exacting standards before they are allowed to take responsibility for cases and provide evidence to be used in the courts. The FSS is also accredited to the NAMAS M10 standard (International Organization for Standardization Guide 25 national equivalent) and registered to the ISO 9001 standard.

18. The United Kingdom prefers to nominate specific individuals for specific tasks, rather than offer a fixed list, and to deal with all requests for assistance through the Expert Scientific Services Enquiry Desk at the Forensic Science Service, Priory House, Gooch Street North, Birmingham B5 6QQ (tel.: 0121 607 6948, fax: 0121 622 3536). It is able to provide biographical data on request and also is able in most areas to put forward either male or female experts.

B. Comments received from the International Criminal Tribunal for the Former Yugoslavia (ICTY)

19. Mrs. Louise Arbour, the Prosecutor of the Tribunal, reported that, in 1997, the ICTY managed the exhumation programme on its own. The Tribunal hired a number of experts in archaeology, anthropology and pathology. They

were notified of the relevant request in accordance with Commission on Human Rights resolution 1996/31 and were requested to contact the Office of the High Commissioner for Human Rights directly if they were interested in assisting with the human rights and forensic science projects. By 18 November 1997, only one ICTY expert, Mr. Ian Hanson, informed the Office that he was available for such projects from April 1998 onwards.

C. Information received from the Victoria Institute of Forensic Medicine (Australia)

20. The Victoria Institute of Forensic Medicine is very interested in being added to the list referred to in resolution 1996/31. There are also pathologists here who would like to be added as individuals. The Victoria Institute of Forensic Medicine plays an important role in training pathologists from overseas, including developing countries. The Royal Australian College of Pathologists is the Forensic Pathology Secretariat for the World Association of Societies of Pathology.

D. Fact-finding situations as reported by mechanisms of the Commission on Human Rights and other relevant United Nations bodies in connection with medico-legal investigations related to alleged human rights violations

21. In his report to the fifty-first session of the Commission (E/CN.4/1996/41, chap. I C), the Secretary-General described the activity of a number of special rapporteurs which used or referred to the need for the assistance of specialists in various forensic disciplines in the context of the implementation of their mandates. Several special rapporteurs welcomed efforts towards the establishment of a standing team of forensic experts to assist them in carrying out their human rights mandates.

22. In addition to the information referred to above, the Working Group on Enforced or Involuntary Disappearances reported that the expert member of the Working Group in charge of the special process on missing persons in the territory of the former Yugoslavia established pursuant to Commission resolutions 1994/72, 1995/35 and 1996/71, Mr. Manfred Nowak, continued his activities aimed at determining the fate and whereabouts of many thousands of missing persons in Croatia and in Bosnia and Herzegovina until his resignation in early 1997. After the entry into force of the Dayton Peace Agreement, the expert concentrated his field activities on the situation in Bosnia and Herzegovina.

23. The Working Group further pointed out that with the support of the human rights field operation of the United Nations High Commissioner for Human Rights and in close cooperation with other institutions in the field, such as the Office of the High Representative (OHR), the International Criminal Tribunal for the Former Yugoslavia, the Special Rapporteur on the situation of human rights in the territory of the former Yugoslavia and the International Committee of the Red Cross (ICRC), the expert facilitated, in particular, a programme of excavation of mass graves and exhumation of mortal remains for the purpose of identifying deceased missing persons, returning the remains to the families concerned and, thereby, responding to the right of the families to know the truth about the fate of their loved ones. The pertinent

activities of Mr. Nowak in 1996 are summarized in his report to the Commission at its fifty-third session (E/CN.4/1997/55, paras. 6, 8, 10, 32, 37, 38, 40, 43, 44, 53 and 111).

24. In particular, in paragraph 111 of his report the expert made the following observations:

> "In the post-Dayton period, the search for the missing in Bosnia and Herzegovina became a joint effort of the parties to the Dayton Peace Agreement, the families of missing persons, and a number of international institutions, above all the ICRC, OHR and the United Nations special process. Various implementation and coordination bodies have been established, such as the ICRC-chaired Working Group on Missing Persons, the Expert Group on Exhumations and Missing Persons, the Joint Forensic Expert Commission on Exhumation, and the International Commission on Missing Persons in the Former Yugoslavia. The actual results of this multitude of mechanisms are, however, far from encouraging. Only very few missing persons have been found alive, and some hundreds of bodies were identified after inter-party exhumations or exhumations carried out by the parties on territory under their control. The reasons for these shortcomings are manifold: a lack of political will by all the parties to disclose information; a continuing policy of reciprocity which characterizes the negotiations between the parties (from an exchange of prisoners of war to an exchange of mortal remains); a lack of political, logistical, financial and military support by the international community to the humanitarian efforts of searching for the missing by all means, including the exhumation of mortal remains; and a lack of efficient coordination and division of labour among the various international institutions involved."

25. It will be recalled that the Commission, in its resolution 1997/57 of 15 April 1997, requested the Special Rapporteur on the situation of human rights in the territory of the former Yugoslavia to act on behalf of the United Nations in dealing with the question of the missing and to contribute to a smooth transition between the mandate of the expert and the organization to which his functions were to be transferred (paragraph 41 (d)).

II. ESTABLISHMENT OF A LIST OF FORENSIC EXPERTS AND EXPERTS IN RELATED FIELDS

26. In response to the requests made by the Secretary-General, a number of additional names of experts or specialized organizations were put forth by Governments, one United Nations organ and one institute. The names of the recommended experts and an institute have been added to the existing list and are contained in annex I. As requested in paragraphs 4 and 7 (a) of Commission resolution 1996/31, the updated and supplemented list is available to the pertinent working groups, special rapporteurs and experts of the United Nations human rights mechanisms so that they may request these forensic experts to assist them in evaluating documents and other evidence and to accompany them on country visits.

III. COOPERATION SERVICE AGREEMENT

27. In paragraph 7 (b) of its resolution 1996/31, the Commission on Human Rights requested the Secretary-General to report to the Commission at its fifty-fourth session on progress made in this matter, including a revised standard arrangement or cooperation service agreement regulating the use of forensic experts.

28. Annex II to document E/CN.4/1996/41 contains the cooperation service agreement regulating the use of forensic experts. It can be used in the event that a Member State or non-governmental organization provides the services of (a) forensic scientist(s). In accordance with article I, paragraph 2, of the agreement, the Member State or NGO undertakes to pay all expenses in connection with the services of the forensic expert(s). Article II, paragraph 1, provides that "the United Nations shall provide the forensic expert(s) with a special contract without remuneration and a United Nations identity card, as well as with office space, equipment and other resources necessary to carry out the tasks assigned to him or her."

29. Recent developments have, however, demonstrated that the United Nations may undertake to pay all expenses in connection with the services of the forensic experts, including honorariums and subsistence allowances and other benefits to which he or she is entitled, in particular pursuant to the mandate laid down by Commission on Human Rights resolution 1997/58 entitled "Situation of human rights in Zaire".

30. Paragraph 7 (b) of resolution 1996/31 also referred to provisions in a revised standard arrangement or cooperation service agreement for the protection of forensic experts who so serve. Practical implementation of resolution 1997/58 confirmed the necessity of requesting that the Government, in this case of the Democratic Republic of the Congo, undertake concrete measures to ensure the protection of the members of the mission as a whole and of experts accompanying the mission in particular. Those measures included assignment of a liaison officer to the mission and providing the mission with a travel authorization and official documentation introducing the members of the mission to local authorities.

31. Taking into account these and other relevant considerations, a revised version of a cooperation service agreement was drafted and is submitted for the consideration of the Commission on Human Rights in annex II to the present report. At the same time, developments mentioned above do not require revision of the Special Service Agreement, which is reproduced in annex III.

32. The Secretary-General did not receive any comments or suggestions concerning the possibility of revising the Manual on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions.

IV. FUTURE ACTIVITIES

33. The developments since the last report demonstrate that the use of forensic experts remains high on the agenda of investigative procedures. The International Criminal Tribunals, the commissions of experts appointed by the Security Council and the special rapporteurs and working groups of the

Commission on Human Rights have all reiterated the view that forensic science is a necessary component of the investigations in situations such as those encountered in the former Yugoslavia, Rwanda and Burundi. Moreover, forensic experts were included in the joint mission to investigate allegations of massacres affecting human rights in eastern Zaire. They were also used in Yugoslavia.

34. In this regard, the list of forensic experts and the revised cooperation service agreement will be helpful to the United Nations human rights bodies that require the assistance of such experts. However, these activities require the appropriate resources. As mentioned above, in his reports to the Commission at its fiftieth and fifty-first sessions the Secretary-General noted that the Commission might wish to consider the establishment of a voluntary fund to respond to the need for appropriate financing of consultations and eventual specific investigations conducted under United Nations auspices. No Government has pronounced itself on the establishment of such a fund. Accordingly, the Commission may wish to consider whether the establishment of a voluntary fund should be further pursued or whether pertinent expenditure incurred by relevant resolutions of the General Assembly and the Commission on Human Rights, such as Commission resolution 1997/58, should be borne by the United Nations from its regular budget.

35. It may be noted that special funding could be uncertain and payment difficult to ensure, and that the use of forensic experts would be best guaranteed by regular budget funding. However, it would be costly and could well consume substantial resources that would otherwise be devoted to other high priority areas in human rights programmes.

Annex I

RECOMMENDED EXPERTS AND INSTITUTIONS

A. Experts and institutions recommended by Governments

Austria

Eduard P. Leinzinger, Richard Scheithauer, Hans Unterdorfer, Walter Rabl, Georg Bauer, Wolfgang Denk, Christian Reiter, Carl Stellwag-Carion, Walter Vycudilik

Chile

Marcia Barrientos, Wiliam Arturo Cortés Rodríguez, Carlos Villavicencio

Croatia

Davor Strinovic, Hrvoje Brkic, Milovan Kubat, Drinko Balicevic, Vedrana Petrovecki, Mario Slaus

Cuba

Jorge Caridad González Pérez, Alicia Marlenne Vasanta Montesinos, Gliceria Lleo Jiménez, Ernesto Pérez González, Alfredo Tamane Camargo, Margarita Colina Méndez, Ladisberto Moya Alarcón

Ecuador

Edison Marcelo Jacome Segovia, Hector Anibal Mejía Araque

France

Dominique Bonnet, Philippe Werson

Germany

Hans-Joachim Wagner, Richard Helmer, Manfred Kleiber, Rudolf Wegnener, Eberhard Lignitz, Wolfgang Eisenmenger, Wolfgang Keil, Edith Tutsch-Bauer, Randolph Penning, Thomas Gilg, Erich Müller, Reinhard Vock, Günter Weiler, Hansjürgen Bratzke, Ulrich Lutz, Peter Nels, Joachim Gerchow, Jochen Wilske, Dieter Buhmann, Hans Dieter Troeger, Klaus-Steffen Saternus

Malta

A. Abela Medici

Philippines

Nicanor M. Cruz Jr., Maximo L. Reyes, Bienvenido Muñoz, Roberto V. Garcia, Idabel Pagulayan, Elvira del Rosario

Spain

Rafael Munoz-Garrido, José M. Abenza Rojo, Emilio Pérez Pujol, Guillermo Portero Lezcano, Rafael Alcaraz Manzano, Joaquiń Mansilla Legorduro, José Luis Prieto Carrero, Esperanza Nuñez Pena

United Kingdom of Great Britain and Northern Ireland

Forensic Science Service

Uruguay

Guido Berro Rovira, Beatriz Balbela Ballebella

B. Experts and institutions recommended by non-governmental organizations

1. University Institute for Forensic Medicine (Odense, Denmark)

Jorgen L. Thomsen, Peter Knudsen

2. Equipo Argentino de Antropologia Forense (Buenos Aires, Argentina)

Mercedes Doretti, Patricia Bernardi, Anahi Ginarte, Luis Fondebrider, Alejandro Inchaurregui, Anahi Girard, Silvana Turner, Maco Somigliana

3. Guatemala Forensic Team

Mariana Valdizon

4. Physicians for Social Responsibility (Boston, United States of America)

Robert Kirschner

5. Victoria Institute of Forensic Medicine (Australia)

6. Other experts

Isabel Rebeco (Chile), Rebecca Saunders (United States of America), Clyde Snow (United States of America), Ian West (United Kingdom), Bernard Knight (United Kingdom), Morris Tidball (Amnesty International), Derrick J. Pounder (United Kingdom), Lindsey Thomas (United States of America), Garry Peterson (United States of America), Ian Henson (United Kingdom)

Annex II

COOPERATION SERVICE AGREEMENT

[Preambular paragraphs as required by the particular situation]

Article I

Obligations of the team of forensic experts

1. The team of the forensic experts agrees to make available for the duration and purpose of this agreement the services of ..... (names) as forensic experts. Changes and modifications may be made with the agreement of the parties.

2. The team of forensic experts shall ensure that a certificate of good health is issued by a certified doctor, stating that the expert is fit to travel and has the required inoculations for the country or countries to which he/she travels.

3. The team of forensic experts undertakes to ensure that during the entire period of service under this Agreement, adequate medical and life insurance as well as insurance coverage for service-incurred illness, injury, disability or death is provided to the expert.

Article II

Obligations of the United Nations

1. The United Nations shall provide the forensic expert(s) with a Special Service Agreement and undertakes to pay all expenses in connection with the services of the forensic experts, including honorariums and subsistence allowances and other benefits to which he or she is entitled, and travel costs to and from any site of investigation. The United Nations shall provide the forensic experts with a United Nations Certificate, as well as with office space and other resources necessary to carry out the tasks assigned to him or her.

2. The United Nations does not accept any liability for claims for compensation in respect of illness, injury or death arising out of or related to the provision of services under this Agreement, except where they result from the gross negligence of the officials or staff of the United Nations.

Article III

Obligations of the forensic expert(s)

1. The forensic expert(s) agree(s) to the terms and obligations specified below, and shall ensure that the forensic expert(s) performing services under this Agreement comply with these obligations.

(a) The expert shall perform his or her functions under the authority and in full compliance with the instructions of the High Commissioner for

Human Rights, a special rapporteur or representative, or United Nations officers acting on his/her behalf. Such instructions will be given following close consultation with the members of a mission.

(b) The expert shall:

(i) Undertake a mission, from the period ..... to .....;

(ii) To extent possible, in the framework of the investigations to be carried out by the mission and in conformity with applicable international norms and principles, conduct a forensic survey in areas or at sites determined by a mission. In particular, his or her work will concentrate on the excavation of test pits on mass graves thought to contain human remains. A small number of bodies will be examined in a preliminary way while in the field, in order to establish the case of death. In addition, he or she will prepare a plan for a future and longer forensic investigation if necessary;

(iii) Take all necessary measures to maintain the confidentiality of all information received or obtained with respect to his/her mandate, including the systematic and careful logging, safekeeping and preservation of its records and files;

(iv) Submit his/her main findings and conclusions in a preliminary confidential report to the High Commissioner, a special rapporteur or representative, together with recommendations as to further measures that should be considered, no later than .....; and

(v) Be terminated upon the completion of his/her final report, to be submitted to the High Commissioner, a special rapporteur or representative, together with all files and records including a complete inventory of sites and/or bodies examined together with photographic documentation, not later than .....

(c) The expert shall undertake to respect the impartiality and independence of the High Commissioner, a special rapporteur or representative and shall neither seek nor accept instructions regarding the services performed under this Agreement from any Government, authority or any other entity external to the United Nations.

(d) The expert shall refrain from any conduct which would adversely reflect on the High Commissioner, a special rapporteur or representative or which is incompatible with the aims and objectives of the United Nations.

(e) The expert shall comply with all rules, regulations, instructions, procedures or directives issued by the United Nations.

(f) The expert shall treat as confidential all documents, information or data received, compiled or processed by him or her. He or she shall exercise the utmost discretion in all matters relating to his or her functions and shall not communicate, at any time, without the authorization of the Secretary-General to the media or to any institution, person, Government or authority external to the United Nations, any information that has not been made public, and which has become known to him or her by reason of his or her association with the United Nations. He or she shall not use any such information without the written authorization of the Secretary-General and, in any event, such information shall not be used as personal gain. These obligations do not lapse upon expiration of this Agreement.

Article IV

Legal status of the forensic expert(s)

1. The forensic expert(s) shall not be considered in any respect as being an official or staff member of the United Nations.

2. The forensic expert(s) shall be considered an "expert on mission" within the meaning of article VI, sections 22 and 23, of the Convention on the Privileges and Immunities of the United Nations of 13 February 1946, and shall be entitled to the privileges, immunities and facilities provided for thereunder, wherever he or she performs missions.

Article V

Use of the United Nations name and emblem

The forensic expert(s) shall, in no manner whatsoever, use the name, emblem or official seal of the United Nations, or any abbreviation thereof, in connection with his or her business or otherwise. The forensic expert(s) shall not advertise or otherwise make public the fact of his/her contractual relationship with the United Nations.

Article VI

Entry into force, duration and termination

1. This Agreement may be modified or amended only by written agreement between the parties.

2. Nothing in this Agreement shall be deemed a waiver, expressed or implied, of the Convention on the Privileges and Immunities of the United Nations of 13 February 1946.

3. This Agreement shall enter into force upon signature, and shall remain in force for ------ (duration of investigation). The Agreement may be terminated by either party, at any time before its expiry date, by giving the other party written notice of five days (in the case of contracts for a period of less than two months) or two weeks (in the case of contracts for a period of two months or more).

In witness whereof, the respective representatives of the United Nations and expert have signed this Agreement.

Done in ....., this ..... day of ..... 199., in two originals in the English language.

For the United Nations	For forensic expert(s)
Signature	Signature
(Name and title of authorized official)	(Name of authorized official of Member State or NGO)
Date	Date

Annex III

SPECIAL SERVICE AGREEMENT

[Preambular paragraphs as required by the particular situation]

Obligation of the individual forensic expert

1. The expert agrees to make himself/herself available for the duration and the purpose of the Agreement.

2. The expert agrees to the terms and conditions specified in the "Special Service Agreement" contract herewith attached 1/ and shall comply with the obligations herein stated.

3. The expert shall perform his or her functions under the authority and in full compliance with the instructions of the ------ (special rapporteur/independent expert/working group of the Commission on Human Rights or the High Commissioner for Human Rights, as applicable).

4. The expert shall undertake to respect the impartiality and independence of the ------ (special rapporteur/independent expert/working group/High Commissioner for Human Rights) and shall neither seek nor accept instructions regarding the services performed under this Agreement from any Government, authority or any other entity external to the United Nations.

5. The expert shall refrain from any conduct which would adversely reflect on the ------ (special rapporteur/independent expert/working group/High Commissioner for Human Rights) or which is incompatible with the aims and objectives of the United Nations.

6. The expert shall comply with all rules, regulations, instructions, procedures or directives issued by the United Nations.

7. The expert shall, in no manner whatsoever, use the name, emblem or official seal of the United Nations, or any abbreviation thereof, in connection with his or her business or otherwise. The expert shall not advertise or otherwise make public the fact of his/her contractual relationship with the United Nations.

This Agreement shall enter into force upon signature of the contract herewith attached.

1/ A Special Service Agreement (P.104) form is the standard form utilized by the United Nations to obtain the temporary services of individuals as consultants.